

**HAMILTON COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 22, 2003**

The Hamilton County Board of Commissioners met on Monday, September 22, 2003 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session from 1:00 pm to 1:20 pm in Conference Room 1A. President Holt called the public meeting to order at 1:25 pm and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

**Approval of Minutes:**

Altman motioned to approve the September 8, 2003 minutes. Dillinger seconded. Motion carried unanimously. Altman motioned to approve the September 9, 2003 minutes. Dillinger seconded. Motion carried unanimously.

**Executive Session Memoranda:**

Altman motioned to approve the September 22, 2003 Executive Session Memoranda. Dillinger seconded. Motion carried unanimously.

**Bid Openings: [1:27:14]**

**Clearing of Right of Way for Intersection Improvements:**

Mr. Michael Howard opened the bids for the clearing of right of way for intersection improvements at 96th Street & Ditch Road and 116th Street & Ditch Road. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement are included unless otherwise specified. 1) Yarberry Landscape a) clearing of existing right of way -\$53,200.00, b) temporary fence - \$7,350.00, c) fencing - \$750.00. Mr. Howard recommended the bid be forwarded to the highway department for review and recommendation at the next meeting. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. [1:33:30] Mr. Howard requested a motion to authorize the Gradex bid to be opened and considered with the other clearing contract. Altman motioned to approve. Dillinger seconded. Motion carried unanimously. Mr. Howard opened the bid from Gradex, which included the Form 96, Financial Statement, Bid Bond with a total bid of \$173,400.00. Mr. Howard requested a motion to consider the Gradex bid with the other clearing bid and be submitted for recommendation at the next meeting. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Resurface Contract 03-6, Various Roads in Noblesville and Wayne Townships:**

Mr. Howard opened the bids for Resurface Contract 03-6, Various Roads in Noblesville and Wayne Townships. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of Addendum (1) were included unless otherwise specified. 1) Milestone Contractors - \$356,235.00. 2) Calumet Asphalt - \$446,962.80. 3) Grady Brothers - \$393,000.00. 4) Rieth-Riley - \$437,611.00. 5) Shelly & Sands - \$399,609.38. 6) E&B Paving - \$382,933.25. Financial information is on file at the highway department. Mr. Howard recommended the bids be forwarded to the highway department for review and recommendation later today. Altman

motioned to approve. Dillinger seconded. Motion carried unanimously.

**Public Hearing:**

**Ordinance 9-08-03-A, Vacation of Right of Way - Treesdale Subdivision:**

Holt opened the Public Hearing for Ordinance 9-08-03-A, An Ordinance of the Board of Commissioners of Hamilton County, Indiana Vacating Certain Public Right of Way. No public comments. Holt closed the Public Hearing. Dillinger motioned to approve Ordinance 9-08-03-A. Altman seconded. Motion carried unanimously.

**Plat Approval:** [1:35:29]

**The Intracoastal at Geist, Section 2A:**

Mr. Steve Broermann presented the plat for The Intracoastal at Geist, Section 2A for approval. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Highway Business:** [1:35:50]

**Open Road Cut Permits:**

Mr. Jim Neal requested approval of Open Road Cut Permits. 1) RDCUT 2003-038 - Shelly & Sands, Inc. at 1280' south of 221st and Overdorf for road grade adjustment. 2) RDCUT 2003-039 - Shelly & Sands, Inc. at 1275' south of 221st on Cumberland Road for road grade adjustment. 3) RDCUT 2003-040 - Panhandle Eastern Pipe Line approximately 200' south of SR 32 & Gray Road for casing in conflict with Gray Road construction. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr Neal requested acceptance of Bonds and Letters of Credit for the highway department: 1) HCHD#B-03-0113 - Western Surety Company Permit Bond #929268296 issued on behalf of Flynn and Zinkan Holdings, II, LLC in the sum of \$30,000 for accel/decel lanes for new project entrance 627.65' south of the intersection of 116th & Olio and 60.91' west of centerline of Olio Road (formerly Annie Lane now known as Lakeridge Drive) to expire September 9, 2004. 2) HCHD #B-03-0114 - St. Paul Fire and Marine Insurance Company Performance Bond issued on behalf of Grady Brothers, Inc. in the sum of \$475,000 for Resurface Contract 03-4 to expire September 15, 2005. 3) HCHD #B-03-0115 - St. Paul Fire and Marine Insurance Company Payment Bond issued on behalf of Grady Brothers, Inc. in the sum of \$475,000 for resurface Contract 03-4 to expire September 15, 2005. 4) HCHD #B-03-0116 - Statewide Insurance Company Annual Permit Bond No. B105164 issued on behalf of Hydro, Inc. in the sum of \$25,000 to expire September 12, 2004. 5) HCHD #B-03-0117 - Safeco Insurance Company Maintenance Bond No. 6149393-1 issued on behalf of Centex Homes in the sum of \$19,129.60 for streets, signs, etc. in Hayden Run, Section 1, to expire August 27, 2006. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Highway Department:**

Mr. Neal requested approval of the release of one bond for the highway department: 1)

HCHD #B-00-0108 - Gulf Insurance Company Maintenance Bond No. BE0937819 issued for Saddle Creek, Sections 7, 8 and 9 for street paving and concrete curbs on behalf of Ditch Road Property. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Agreements [1:37:08]**

**Subdivision Inspection Agreements:**

**Village of West Clay, Section 9006 A&B:**

Mr. Neal requested approval of Subdivision Inspection Agreements, HCHD #A-03-0021, for Village of West Clay, Section 9006 A&B between Hamilton County and Brenwick TND Communities LLC (developer) and USI Consultants (engineer) in the amount of \$7,000.00. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Intracoastal at Geist Subdivision, Section 1:**

Mr. Neal requested approval of Subdivision Inspection Agreement, HCHD #A-02-0015, for Intracoastal at Geist, Subdivision, Section 1 between Hamilton County and Centex Homes, (developer) and EDIS, Inc. in the amount of \$1,950.00. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Westfield/Washington Schools Agreement:**

Mr. Neal requested approval of the agreement, HCHD #M-03-0035, between Hamilton County and Westfield/Washington Schools concerning installation of fiber optic lines. The school corporation was installing lines within easements which were inside of our future right of way which we try to discourage. We brought this to their attention and they would like to execute the agreement that if the right of way was ever used for expansion they would be required to move the lines at their expense. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Bridge #262 Supplemental Agreement No 2:**

Mr. Neal requested approval of Supplemental Agreement No. 2, HCHD #E-97-00019, for Bridge #262, Reconstruction of Fall Creek Road from Bridgewater Road to 96th Street including the replacement of Bridge No. 262 over Geist Reservoir (Fall Creek). Altman asked if this bridge is under reimbursement from the Feds? Mr. Neal stated this development cost is not under the reimbursement, but the previous costs have been credited to the project. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Small Structure #31046 Engineering Agreement:**

Mr. Neal requested approval of Engineering Agreement, HCHD #E-03-0015, for Small Structure #31046, Eagletown Road over Symons Ditch. The agreement is with Congdon Engineering Associates, Inc. Dillinger motioned to approve. Altman seconded. Altman asked if it is typical to have asbestos? Mr. Neal stated yes, you have to look for asbestos to see if it is there. Motion carried unanimously.

**Concurrence with Traffic Study Correspondence: [1:42:09]**

Mr. Neal requested approval of Concurrence with Traffic Study Correspondence. 1) Captain Chuck Murray requesting 35 mph speed limit on Brooks School Road from 136th Street to Greenfield Avenue in Fall Creek Township. Dillinger stated you are denying the 35 mph speed limit? Mr. Neal stated correct, based on the traffic study and the speed limits traveled. Altman asked if we currently have a speed limit posted? Mr. Neal stated no, it is unposted and by State code it is 55 mph. Altman asked if it would help to post so everyone knows it is 55 mph? Mr. Neal stated typically we have not posted where the speed limits remain 55 mph. Dillinger motioned to approve the engineer's letter maintaining the 55 mph speed limit. Altman seconded. Motion carried unanimously. 2) Keith Lash & Amy Mink request for multi-way stop at Meeting House Road and Hermitage Lane in Clay Township. Holt stated Brenwick supports the request for the multi-way stop? Mr. Neal stated yes. The Highway Department's recommendation is to not post a multi-way stop. Altman asked if we have a subdivision plan that posts Stop signs within the plan, do we look at volume of traffic to establish that? Mr. Neal stated we establish where the controls are going to be. Mr. Neal stated we could stripe a crosswalk in that location. Altman motioned to approach it with a crosshatch walk and signage and revisit it if it continues to be a problem. Dillinger seconded. Motion carried unanimously. 3) Steve Hood letter requesting a school zone speed limit on Springmill Road adjacent to St. Maria Goretti School in Washington Township. Mr. Neal stated we have studied this location on several occasions for the same requests. This investigation does not show that anything has changed. The school and playgrounds sit well off the road and there is no pedestrian traffic to the school. Holt stated he spoke with Mr. Hood and gave him the history. Mr. Hood wanted to talk about school zone signs. Mr. Neal stated they are already up. Holt stated Mr. Hood does not seem to think so. Mr. Hood is visualizing the flashing lights. Holt stated he told Mr. Hood that the school would pay for the flashing lights, not the county, if that is what he wanted. He was to contact the highway department to investigate that. Mr. Neal stated he has not heard from Mr. Hood. Holt motioned to table this response and give Mr. Neal an opportunity to talk with Mr. Hood. Altman seconded. Motion carried unanimously.

**Acceptance of Right of Way: [1:50:22]**

**Harbour Shores Baptist Church:**

Mr. Neal requested acceptance of the Dedication of Right of Way from Harbour Shores Baptist Church on 216th Street east of Hague Road. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Request to Advertise: [1:50:50]**

**Intersection Improvements - 96th & 116th Streets at Ditch Road:**

Mr. Neal requested permission to re-advertise for intersection improvements at 96th Street at Ditch Road and 116th Street at Ditch Road. The bids will be opened October 20, 2003. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

**Bid Award:**

**Resurface Contract 03-6:**

Mr. Neal requested the bid for Resurface Contract 03-6, Various Roads in Noblesville

and Wayne Townships, be awarded to Milestone Contractors as the lowest responsive bidder in the amount of \$356,235.00. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

#### **Bridge #618 Title Sheet:**

Mr. Neal requested signatures on the Title Sheet for Bridge #618, which was declared an emergency project at the last meeting.

#### **Announcements: [1:52:09]**

#### **96th Street and Mollenkopf Road:**

Mr. Brad Davis stated the Town of Fishers would like to partner with Hamilton County for installation of a temporary traffic signal at 96th Street and Mollenkopf Road. We have performed a traffic study analysis and it indicates a strong warrant for a traffic signal. Mr. Davis asked if the Commissioners would like him to work out something with Fishers? Right of way would have to be bought on the east corner for installation of a pole. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

#### **Bridge over Fall Creek & Geist:**

Mr. Davis stated September 16th was the INDOT letting for the bridge over Fall Creek and Geist. It appears there has been award of \$6.873 million to Walsh Construction. Mr. Davis has spoken with INDOT and they will amend the numbers on their agreement.

#### **Commissioner Committee Reports: [1:55:22]**

#### **Homeland Security Grant, Part 2:**

Altman stated it has been determined that the intermobile communication system would not be particularly helpful because of antennas, etc. in the Carmel Mobile Unit. Preliminary they wanted to shift the monies to an additional biological unit detection device to be kept at the Health Department. The grant can be amended at a later date. Altman motioned to consent to use of the funds as outlined in the grant application. Dillinger seconded. Motion carried unanimously.

#### **Central Indiana Action Group on Clean Air Act:**

Altman stated she attended a meeting of the Central Indiana Action Group on the Clean Air Act. They did submit a plan last year that the federal government rejected. They are going back to stage one and looking at regionalization and ozone. Altman stated she will continue to attend the meetings. This could have a substantial dampening on what we do as a county and may require us to do emission control inspections.

#### **Washington D.C. Lobbyist:**

Altman stated she has e-mailed Jan Powell, our Washington D.C. Lobbyist, in terms of trying to establish a renewal contract. She has not responded back to her with terms of the

contract. It has now been reduced to Noblesville, Hamilton County and potentially the Port Authority to continue the consultant. Altman stated she has spoken with Chris Hamm, Noblesville, and they are interested in continuing to work with us. He will come up with what funds he may have available. Fishers and Noblesville have contributed to the prior agreement.

**Attorney [1:59:17]**

**Ordinance 9-8-03-B, Revisions to Employee Handbook:**

Mr. Howard requested approval of Ordinance 9-8-03-A, An Ordinance Approving Revisions to the Employee Handbook of Hamilton County. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Solid Waste Interlocal Agreement:**

Mr. Howard presented an Interlocal Agreement with the Solid Waste Board and Health Department for the Commissioner's review.

**Washington Township Assessor's Building Lease:**

Mr. Howard stated he is waiting for the landlord for the Washington Township Assessor's building lease regarding the subject to funding language. Altman motioned to approve the lease subject to inclusion of language which allows us to cancel in the event of non-funding and further to authorize and direct the President to sign once it is included. Dillinger seconded. Motion carried unanimously.

**Historic Power Plant Letter of Support: [2:03:32]**

Altman motioned to supply a letter of support for the Historic Hydro Plant in their grant request. Dillinger seconded. Motion carried unanimously. Holt asked Altman to make it a three signature letter.

**Permission to Advertise Correction:**

Mr. Neal stated earlier in the meeting the highway department requested permission to advertise the 96th Street and 116th Street intersections at Ditch Road with a bid opening date of October 20th, it should state October 27th. Altman motioned to correct the record. Dillinger seconded. Motion carried unanimously.

**Administrative Assistant: [2:05:27]**

**Request to Use Commissioners Courtroom:**

Mr. Fred Swift stated the Prosecutor's Office has requested use of the Commissioner's Courtroom on December 7, 2003 for a Youth as Resources event. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Handicap Parking Employee Request:**

Mr. Swift stated we have an employee who has had a knee replacement and is requesting a handicap parking place. She is scheduled to return to work October 16th. Altman motioned to

approve temporary access to the handicap parking space in the sallyport. Dillinger seconded. Motion carried unanimously.

**Animal Control Shelter Update:**

Holt asked Mr. Swift to get the Animal Control Shelter Update in writing from Mr. Dawson.

**Auditor** [2:07:50]

**Maximus Contract:**

Ms. Robin Mills requested approval of the Maximus Contract for 2004 for recovery of administrative costs of federally sponsored programs. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Treasurer's Monthly Report:**

Ms. Mills requested approval of the Treasurer's Monthly Report dated August 31, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Clerk's Monthly Report:**

Ms. Mills requested approval of the Clerk's Monthly Report dated August 31, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Payroll Claims:**

Ms. Mills requested approval of Payroll Claims for the period of August 30 - September 13, 2003 to be paid September 26, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Vendor Claims:**

Ms. Mills requested approval of Vendor Claims to be paid September 23, 2003. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Precincts:**

Ms. Kathy Richardson requested approval of the Notice to Voters of Hamilton County listing the precincts for the 2003 Municipal Election. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

Holt called a recess. Holt called the meeting back to order at 2:25.

**Superior Dock Lease:**

Mr. Howard requested signatures on the Lease Contract between Hamilton County and Superior Dock Company, d/b/a/ Abaco Dock & Lift Company for rental of buildings on the Hamilton County 4-H Grounds. This was approved at the last meeting, but no contract was signed.

### **Ordinance 9-22-03-A, Amending Hamilton County Zoning Ordinance:**

Mr. Chuck Kiphart requested approval of Ordinance 9-22-03-A, A Proposed Ordinance to Amend the Hamilton County Zoning Ordinance Number 3/19/90 with an Effective Date of 5/14/90 Relative to Article 2, 3 and 4 - Accessory Building. This will allow a larger size accessory building. Currently the limit is 1,500 square feet. This ordinance would set the maximum limit at 5,000 square feet. It will allow larger set-backs and will increase the height. Dillinger motioned to waive the rules. Altman seconded. Motion carried unanimously. Dillinger motioned to approve Ordinance 9-22-03-A on first reading. Altman seconded. Motion carried unanimously.

### **SR 431 and 146th Ramp Ribbon Cutting:**

Mr. Neal asked if the Commissioner's would like a ribbon cutting ceremony for the SR 431/146th Street Ramp? It will be opening within the next six weeks. Commissioners stated yes. Dillinger stated he would also like to monitor the State on the Field Drive Bridge status and schedule a ribbon cutting ceremony for that opening.

Dillinger motioned to adjourn the meeting. Altman seconded. Motion carried unanimously.

### **Commissioners Correspondence:**

City of Carmel Opt Out Letter for Community Development Block Grant  
Senior Citizens Organization Request to extend Lease

Beam, Longest & Neff Notice of Transmittal:

Bridge #257, Lantern Road over Shoemaker Ditch

IDEM NPDES General Permit:

Farm ID #2683

IDEM Notice of Sewer Permit Applications:

Village of Towne Pointe - Carmel  
Somerset Hills, Section 1 - Fishers  
Townhomes at Hunters Creek - Carmel  
Town of Atlanta Lift Station - Atlanta  
The Estates of Meadowbrook, Section Two - Fishers  
Fox Hollow at Geist, Section 2 - Noblesville  
Northwind Estates, Section 3 - Atlanta  
Clarian North Women's & Children's Hospital - Carmel  
South Avalon Estates, Sections 1 & 2 - Fishers  
Harbour Woods, Sections 1 & 2 - Noblesville  
Lochaven, Section 7 in Noble West - Noblesville

IDEM Notice of Decisions:



Claybourne, Section 2 - Carmel  
Lochaven, Section 7 at Noble West - Noblesville  
Coxhall Park - Carmel

IDEM Part 70 Operating Permit Renewal:

Countrymark Cooperative, LLP - Westfield

**Present:**

Christine Altman, Commissioner  
George Piper, Noblesville Daily Times  
Steven C. Dillinger, Commissioner  
Jerry Larrison, Beam Longest & Neff  
Steven A. Holt, Commissioner  
Diana Lamirand, Noblesville Ledger  
Robin M. Mills, Auditor  
Chuck Kiphart, Plan Commission  
Kim Rauch, Administrative Assistant to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Doug Carter, Sheriff  
Brad Davis, Highway Director  
Jim Neal, Highway Engineer  
Dave Lucas, Highway Inspector  
Steve Broermann, Highway Technical Engineer  
Mark Fisher, Highway Technical Engineer  
Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Highway Project Engineer  
Matt Knight, Highway Staff Engineer  
Mike McBride, Small Structure Staff Engineer  
Faraz Hahn, Highway Department  
Kathy Howard, Highway Department  
Brett Quandt, Quandt, Inc.  
David Quandt, Quandt, Inc.  
Justin Lay, E&B Paving  
Paul Reis, Treesdale Subdivision  
Becki Wise, USI  
Floyd Burroughs, Floyd Burroughs & Associates  
Kevin Green, Calumet Asphalt  
Dave Richter, United Consulting Engineers  
Matt Kelley, Shelly and Sands  
Mike McGill, Grady Brothers